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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA
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11 BOBBI SUE ATKINSON,) 3:05-cv-00471-HDM-VPC
12)
13 Plaintiff,)
14 vs.) ORDER
15)
16 JO ANNE B. BARNHART,)
Commissioner of Social Security)
Defendant.)
_____)

17 Before the court is the Report and Recommendation of the
18 United States Magistrate Judge ("R&R") (#16). Plaintiff Bobbi Sue
19 Atkinson ("Atkinson") has filed an objection to the R&R (#17).
20 Defendant has responded (#18).

21 Plaintiff objects to the finding by the Magistrate Judge that
22 the ALJ was not required to hear the testimony of a Vocational
23 Expert to determine if Atkinson would be capable of performing work
24 in the national economy despite her non-exertional limitations. In
25 particular, Atkinson contends that her non-exertional limitation of
26 being unable to have frequent contact with the public or co-workers
27 would render reliance on the Medical-Vocational Guidelines
28 (commonly referred to as the "grids") to be reversible error.

1 The ALJ determined that Atkinson has a residual functional
2 capacity that would limit her to light and sedentary work as
3 defined by the regulations. The ALJ found that Atkinson's capacity
4 for light work is substantially intact and has not been compromised
5 by any non-exertional limitations despite her inability to have
6 frequent contact with the public or co-workers.

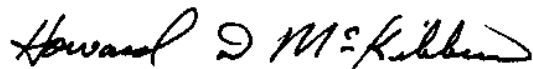
7 This finding is supported by the regulations. "[T]he primary
8 work functions in the bulk of unskilled work relate to working with
9 things (rather than data or people) and in these work functions at
10 the unskilled level, literacy or ability to communicate in English
11 has the least significance." 20 C.F.R. § 404 Subpart P, App. 2 §
12 202.00(g).

13 The court having considered the pleadings and memoranda of the
14 parties and other relevant matters of record and has made a review
15 and determination in accordance with the requirements of 28 U.S.C.
16 § 636 and applicable case law, and good cause appearing, the court
17 hereby

18 **ADOPTS AND ACCEPTS** the report and recommendation of the
19 United States Magistrate Judge (#16). Plaintiff's Objections (#17)
20 are **DENIED**.

21 It is so **ORDERED**.

22 DATED: This 19th day of May, 2006.

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24 UNITED STATES DISTRICT JUDGE
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